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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,727	06/19/2001	David Famolari	APP 1271-US	2530
9941	7590	12/02/2004	EXAMINER	
TELCORDIA TECHNOLOGIES, INC. ONE TELCORDIA DRIVE 5G116 PISCATAWAY, NJ 08854-4157			MACE, BRAD THOMAS	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/884,727	Applicant(s) FAMOLARI, DAVID	
	Examiner Brad T. Mace	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 2 and 4-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0191561 (Chen et al.) in view of U.S. Patent No. 6,463,285 (Davies et al.).

Regarding claim 1:

Chen et al. discloses a method for supporting CDMA soft handoff of data packets between base stations and mobile terminals in an IP network (paragraph [0044]), said method comprising the steps of

transmitting a plurality of redundant data packets to a mobile terminal or to a base station (paragraph [0088], where the plurality of base stations receives packets arriving from the MS),

selecting quality metrics standards to determine the quality of the data segments (frames) ([0089], where the quality metric can be selected from SIR, FQI, SER, and so forth),

determining the quality value of individual data segments (frames) using the selected metric standards ([0089], where each frame comprises of SIR, FQI, SER, and so forth),

packaging the quality values with the corresponding data segments (frames) ([0089], where in addition to the payload each frame comprises of SIR, FQI, SIR, and so forth), and

assembling a best IP data packet in accordance with the highest quality IP data segments (frames) for each time interval ([0089], where one frame is singled out (from the duplicate frames, which may have been received at separate time intervals) as the "best" frame for further distribution and where the frames are further encapsulated to a data packet, hence a best data packet).

However, Chen et al. does not disclose expressly at the mobile terminal or at a mobile switching center in the IP network dividing received data packets into individual IP data segments.

Davies et al. discloses a handoff method wherein a base station receives a data packet and dividing the data packet into a plurality of frames (Figure 2, and col. 5, lines 14-29).

A person of ordinary skill in the art would have been motivated to employ Davies et al. in Chen et al. in order to obtain a handoff system that divides the redundant data packets in order choose the best portions of the data packets for further transmission. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Davies et al. with Chen et al. (collectively Chen et al.-Davies et al.) in order to obtain the invention as specified in claim 1. The suggestion/motivation to do so would have been to obtain a handoff system that divides the redundant data packets in order to choose the best

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portions from among the redundant data packets for further transmission, rather than just choosing the best packets as a whole for further transmission, and where any fragmented portions of packets that are lost (or of poor quality) in handoff can thus be compensated for by the duplicate portions of the other packets.

Regarding claim 3:

Chen et al. further discloses wherein said transmitting step transmits the plurality of redundant data packets to multiple base stations ([0088], where the MS transmits the packets to a plurality of base station).

Regarding claim 10:

Chen et al. further discloses wherein said step of transmitting comprises multicasting the redundant data packages from a plurality of base stations to a mobile terminal ([0072], lines 15-18).

Regarding claim 11:

Chen et al. further discloses wherein the transmitted redundant data packages include a header field and further comprising the step of separating the header field from the data packages prior to the step of dividing the received data packets into the individual data segments ([0089], where the header is removed when decapsulating the IP packet to the frame).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad T. Mace whose telephone number is (571) 272-3128. The examiner can normally be reached on Monday -Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

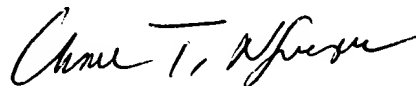
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btm

Brad T. Mace
Examiner
Art Unit 2663

btm

November 23, 2004



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600